

S. C. R. No. 1, Authorizing the Governor to make presentation of certain medal.

H. C. R. No. 5, Approving certain W. P. A. project.

MESSAGE FROM THE SENATE

Austin, Texas, October 28, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 26, with the following instructions:

"That the Senate accedes to the request of the House for the appointment of a conference committee and that the Senate Conferees on the Conference Committee on House Bill No. 26 be instructed not to incorporate in any bill the Conference Committee may report to the Senate, a provision for a sales tax, or for a gross receipt tax on retail sales of merchandise. Said conferees are hereby further instructed not to put any tax provisions in their report but leave the matter of tax bills and revenue measures for the House to originate and first pass as required by the Constitution."

The following have been appointed on the part of the Senate:

Senators Sanderford, Shivers, Davis, Regan and Holbrook.

Respectfully,
BOB BARKER,
Secretary of the Senate.

RECESS

Mr. Caldwell moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Wells moved that the House recess to 9:30 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Wells, it prevailed, and the House, accordingly, at 5:35 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on State Affairs filed a favorable report on House Concurrent Resolution No. 4.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, October 26, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 54, A bill to be entitled "An Act to amend Article 2956 Revised Civil Statutes of Texas of 1925, as amended by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, October 28, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills to whom was referred

H. C. R. No. 5, Approving application No. 300-24 of the State Works Progress Administration.

Has carefully compared same and finds it correctly enrolled.

ATCHISON, Chairman.

FIFTH DAY

(Continued)

(Tuesday, October 29, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

HOUSE BILL NO. 53 ON SECOND READING

On motion of Mr. Olsen (by unanimous consent), the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 53, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain extended municipal school districts pursuant to an election to be held for that purpose; defining the term 'extended municipal school district' and the

term 'Government Body' of the city or town; prescribing the method of procedure precedent to calling such an election; providing that such election shall be held, as nearly as possible in compliance with law with reference to regular city elections, and prescribing qualifications of voters at such elections; etc., and declaring an emergency."

The Speaker then laid House Bill No. 53 before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 53 ON THIRD READING

Mr. Olsen moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson	Graves
Aikin	Hankamer
Alexander	Hanna
Ash	Hardin
Bergman	Harris of Archer
Bourne	Harris of Dallas
Bradbury	Hartzog
Bradford	Herzik
Broyles	Hodges
Burton	Hofheinz
Butler of Brazos	Holland
Butler of Karnes	Howard
Canon	Huddleston
Clayton	Hunter
Collins	Hyder
Colquitt	Jackson
Cooper	James
Cowley	Jones of Atascosa
Craddock	Jones of Falls
Crossley	Jones of Shelby
Davis	Jones of Wise
Davisson	King
of Eastland	Knetsch
Dickison	Leath
Dunagan	Lotief
Dunlap of Hays	Lucas
Duvall	Luker
Dwyer	McConnell
Fain	McFarland
Farmer	McKee
Fisher	McKinney
Ford	Moffett
Fox	Morris
Frazer	Morrison
Fuchs	Nicholson
Gibson	Olsen
Glass	Patterson

Payne	Steward
Petsch	Stinson
Quinn	Stovall
Reed of Bowie	Thornton
Reed of Dallas	Tillery
Roach of Angelina	Venable
Roach of Hunt	Waggoner
Roark	Walker
Roberts	Wells
Russell	Westfall
Rutta	Wood of Harrison
Sessions	Wood of Montague
Settle	Worley
Shofner	Young
Smith	Youngblood
Spears	

Nays—6

Adkins	Lanning
Davison of Fisher	Roane
Keefe	Tennyson

Absent

Alsup	Latham
Atchison	Lemens
Beck	Leonard
Cagle	Lindsey
Caldwell	Mauritz
Calvert	McCalla
Celaya	Morse
Colson	Newton
Good	Padgett
Greathouse	Palmer
Head	Reader
Hill	Riddle
Hoskins	Rogers
Hunt	Scarborough
Jefferson	Stanfield
Lange	Tarwater

Absent—Excused

Daniel	Gray
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	

The Speaker then laid House Bill No. 53 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—99

Adamson	Butler of Brazos
Aikin	Butler of Karnes
Alexander	Canon
Alsup	Clayton
Bergman	Collins
Bourne	Colquitt
Bradbury	Cooper
Broyles	Cowley
Burton	Craddock

Crossley	Luker
Davis	McConnell
Davisson	McFarland
of Eastland	McKee
Dickison	McKinney
Dunagan	Moffett
Dunlap of Hays	Morris
Duvall	Morrison
Dwyer	Nicholson
Fain	Olsen
Farmer	Patterson
Fisher	Payne
Ford	Petsch
Fox	Quinn
Frazer	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Roach of Angelina
Glass	Roach of Hunt
Graves	Roark
Hankamer	Roberts
Hanna	Russell
Hardin	Rutta
Harris of Archer	Sessions
Harris of Dallas	Settle
Hodges	Shofner
Hofheinz	Smith
Holland	Spears
Howard	Steward
Huddleston	Stinson
Hunter	Stovall
Hyder	Thornton
Jackson	Tillery
James	Venable
Jones of Atascosa	Waggoner
Jones of Shelby	Walker
Jones of Wise	Wells
King	Westfall
Knetsch	Wood of Harrison
Leath	Wood of Montague
Lotief	Young
Lucas	Youngblood

Nays—9

Adkins	Lanning
Ash	Roane
Bradford	Tennyson
Jones of Falls	Worley
Keefe	

Absent

Atchison	Hill
Beck	Hoskins
Cagle	Hunt
Caldwell	Jefferson
Calvert	Lange
Celaya	Latham
Colson	Lemens
Davison of Fisher	Leonard
Good	Lindsey
Greathouse	Mauritz
Hartzog	McCalla
Head	Morse
Herzik	Newton

Padgett	Rogers
Palmer	Scarborough
Reader	Stanfield
Riddle	Tarwater

Absent—Excused

Daniel	Gray
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	

Mr. Olsen moved to reconsider the vote by which House Bill No. 53 was passed.

The motion to reconsider prevailed.

House Bill No. 53 was then passed by the following vote:

Yeas—116

Adamson	Hankamer
Aikin	Hanna
Alexander	Hardin
Alsup	Harris of Archer
Ash	Harris of Dallas
Atchison	Hartzog
Beck	Head
Bergman	Herzik
Bourne	Hill
Bradbury	Hodges
Broyles	Hofheinz
Burton	Hoskins
Butler of Karnes	Huddleston
Caldwell	Hunt
Calvert	Hunter
Canon	Hyder
Celaya	Jackson
Clayton	James
Collins	Jefferson
Colquitt	Jones of Atascosa
Colson	Jones of Shelby
Cooper	Jones of Wise
Cowley	King
Craddock	Lanning
Crossley	Latham
Davis	Leath
Davisson	Lemens
of Eastland	Lindsey
Dickison	Lotief
Dunagan	Lucas
Dwyer	Luker
England	Mauritz
Fain	McCalla
Farmer	McConnell
Fisher	McFarland
Fox	McKee
Frazer	McKinney
Fuchs	Moffett
Gibson	Morris
Glass	Morrison
Graves	Morse
Gray	Newton
Greathouse	Nicholson

Olsen	Settle
Palmer	Smith
Patterson	Spears
Payne	Stanfield
Quinn	Stinson
Reed of Bowie	Tillery
Reed of Dallas	Venable
Riddle	Waggoner
Roach of Angelina	Walker
Roach of Hunt	Wells
Roark	Westfall
Roberts	Wood of Harrison
Russell	Wood of Montague
Rutta	Young
Scarborough	Youngblood
Sessions	

Nays—6

Adkins	Jones of Falls
Bradford	Keefe
Davison of Fisher	Tennyson

Present—Not Voting

Cagle	Tarwater
Shofner	

Absent

Butler of Brazos	Padgett
Dunlap of Hays	Petsch
Duvall	Reader
Ford	Roane
Good	Rogers
Holland	Steward
Howard	Stovall
Knetsch	Thornton
Lange	Worley
Leonard	

Absent—Excused

Daniel	Moore
Dunlap of Kleberg	Pope
Fitzwater	

MOTION TO TAKE UP HOUSE
BILL NO. 34

Mr. Reed of Bowie moved that the regular order of business, be suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 34, A bill to be entitled "An Act amending Article 7118, Revised Civil Statutes of 1925, so as to increase the rate of inheritance tax levied herein by 50% on all brackets of taxable values of estates, as amended by Acts, 1935, Forty-fourth Legislature, page 922, Chapter 356, Section 1, amending Article 7119, Revised Civil Statutes of 1925, as amended by Acts of 1927, Fortieth Legislature, Chapter 62, page 87;

amending Article 7120, Revised Civil Statutes of 1925; amending Article 7121 Revised Civil Statutes of 1925, as amended by Acts, 1927, Fortieth Legislature, page 87, Chapter 62; etc., and declaring an emergency."

The motion was lost.

HOUSE BILL NO. 5 ON THIRD
READING

Mr. Worley moved to take up, for consideration at this time, House Bill No. 5.

The roll of the House was called, on the motion by Mr. Worley, and the Speaker announced that there was not a quorum present.

Mr. Quinn moved a call of the House for the purpose of securing and maintaining a quorum until 12:00 o'clock m., today, and the call was duly ordered.

On motion of Mr. Quinn, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was again called, on the motion by Mr. Worley to take up House Bill No. 5, and the vote announced as follows:

Yeas—74

Adamson	Huddleston
Aikin	Hunt
Alexander	Hunter
Alsup	Hyder
Atchison	Jones of Atascosa
Beck	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Bradford	Lanning
Broyles	Latham
Burton	Leath
Cagle	Lindsey
Calvert	Lucas
Canon	Luker
Clayton	Mauritz
Cooper	McConnell
Craddock	McFarland
Davison of Fisher	Moffett
Fain	Newton
Farmer	Olsen
Ford	Palmer
Fox	Patterson
Fuchs	Payne
Gibson	Quinn
Glass	Reed of Bowie
Harris of Archer	Roach of Hunt
Head	Roark
Herzik	Rogers
Hodges	Rutta

Sessions	Waggoner
Settle	Walker
Shofner	Wells
Tarwater	Westfall
Tennyson	Wood of Harrison
Thornton	Wood of Montague
Tillery	Worley
Venable	Youngblood

Nays—40

Bergman	Jackson
Butler of Karnes	James
Collins	King
Cowley	Knetsch
Crossley	Lotief
Dickison	McCalla
Dunagan	McKee
Dunlap of Hays	McKinney
Duvall	Nicholson
Fisher	Petsch
Frazer	Reader
Good	Reed of Dallas
Graves	Riddle
Hankamer	Roane
Hanna	Russell
Harris of Dallas	Smith
Hartzog	Spears
Hofheinz	Steward
Hoskins	Stinson
Howard	Young

Absent

Adkins	Jefferson
Ash	Jones of Falls
Butler of Brazos	Lange
Caldwell	Lemens
Celaya	Leonard
Colquitt	Morris
Colson	Morrison
Davis	Morse
Davisson	Padgett
of Eastland	Roach of Angelina
Dwyer	Roberts
Greathouse	Scarborough
Hardin	Stanfield
Hill	Stovall
Holland	

Absent—Excused

Daniel	Gray
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	

The Speaker announced that the motion prevailed.

The Speaker then laid before the House, on its third reading and final passage,

H. B. No. 5, A bill to be entitled "An Act amending, and re-enacting subsection 5 of Section 1, Chapter 10, Acts of First Called Session of the

Forty-third Legislature relative to the taxes levied on the pari-mutuel wagering systems; empowering the county commissioners court to apply funds received under this Act to certain purposes; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read third time.

Mr. Caldwell offered the following committee amendment to the bill:

Amend subsection 2 of House Bill No. 5, by striking out subsection 2, and substituting in lieu thereof the following:

"Subsection 2. The sum so deducted and held by any such licensee shall constitute and be a trust fund belonging to the State of Texas, and the licensee operating such race course is hereby made and constituted the trustee of the State of Texas for the purpose of this Act. He shall keep an accurate record of all receipts and disbursements during any racing meet authorized by the Texas Racing Commission to be conducted by said licensee, which books and records shall at all times be open to inspection of the Comptroller of Public Accounts of the State of Texas, and to the Texas Racing Commission or their duly qualified agents; and at the close of each racing meet held by such licensee, he shall remit to the Treasurer of the State of Texas through the Texas Racing Commission as follows: thirty per cent of the ten per cent deducted by such licensee from the contributions of purchasers of certificates on horses to run first, second, and/or third in any given race. Failure of any person to collect and remit the sums prescribed herein in accordance herewith shall constitute the offense of embezzlement, and upon conviction therefor, such person shall be punishable therefor as the law prescribes."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—59

Adamson	Craddock
Ash	Crossley
Bergman	Davis
Bradford	Dickison
Butler of Brazos	Dunagan
Collins	Dunlap of Hays
Cooper	Duvall
Cowley	Dwyer

Farmer	Mauritz
Fuchs	McCalla
Good	McFarland
Greathouse	McKee
Hankamer	Morrison
Hanna	Newton
Harris of Dallas	Olsen
Hartzog	Patterson
Hofheinz	Payne
Holland	Petsch
Hoskins	Reader
Howard	Reed of Dallas
Hunter	Roberts
Hyder	Russell
Jackson	Smith
James	Spears
Jefferson	Steward
Jones of Atascosa	Stinson
King	Waggoner
Lotief	Young
Lucas	Youngblood
Luker	

Nays—65

Adkins	Jones of Wise
Aikin	Keefe
Alexander	Knetsch
Alsup	Lanning
Atchison	Latham
Beck	Leath
Bourne	Lemens
Bradbury	Lindsey
Broyles	McConnell
Burton	Moffett
Butler of Karnes	Palmer
Cagle	Quinn
Calvert	Reed of Bowie
Canon	Roach of Angelina
Clayton	Roach of Hunt
Davison of Fisher	Roane
Davisson	Roark
of Eastland	Rogers
Fain	Rutta
Fisher	Sessions
Ford	Settle
Fox	Stovall
Gibson	Tarwater
Glass	Tennyson
Graves	Thornton
Hardin	Tillery
Harris of Archer	Venable
Head	Walker
Hodges	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Worley

Absent

Caldwell	Frazer
Celaya	Herzik
Colquitt	Hill
Colson	Lange

Leonard	Padgett
McKinney	Riddle
Morris	Scarborough
Morse	Shofner
Nicholson	Stanfield

Absent—Excused

Daniel	Gray
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	

House Bill No. 5 was then passed by the following vote:

Yeas—95

Adamson	Knetsch
Adkins	Lange
Aikin	Lanning
Alexander	Latham
Alsup	Leath
Atchison	Lemens
Beck	Lindsey
Bergman	Lucas
Bourne	Luker
Bradford	Mauritz
Broyles	McConnell
Burton	McFarland
Butler of Brazos	Moffett
Butler of Karnes	Morris
Cagle	Morrison
Calvert	Newton
Canon	Olsen
Clayton	Palmer
Cooper	Patterson
Craddock	Payne
Davis	Petsch
Davison of Fisher	Quinn
Davisson	Reed of Bowie
of Eastland	Roach of Angelina
Dunlap of Hays	Roach of Hunt
Fain	Roark
Farmer	Roberts
Fisher	Rogers
Ford	Russell
Fox	Rutta
Fuchs	Sessions
Gibson	Settle
Glass	Shofner
Graves	Steward
Hardin	Stovall
Harris of Archer	Tarwater
Head	Tennyson
Herzik	Thornton
Hodges	Tillery
Holland	Venable
Huddleston	Waggoner
Hunt	Walker
Hunter	Wells
Hyder	Westfall
Jones of Falls	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Youngblood

Nays—32

Bradbury	Howard
Collins	Jackson
Colquitt	James
Cowley	Jefferson
Dickison	Jones of Atascosa
Dunagan	King
Duvall	Lotief
Dwyer	McCalla
Good	McKee
Greathouse	Reader
Hankamer	Reed of Dallas
Hanna	Roane
Harris of Dallas	Smith
Hartzog	Spears
Hofheinz	Stinson
Hoskins	Young

Absent

Ash	McKinney
Caldwell	Morse
Celaya	Nicholson
Colson	Padgett
Crossley	Riddle
Frazer	Scarborough
Hill	Stanfield
Leonard	

Absent—Excused

Daniel	Gray
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	

Mr. Worley moved to reconsider the vote by which House Bill No. 5 was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 46 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 46, A bill to be entitled "An Act levying and imposing occupation taxes, in addition to those now prescribed by law on certain industries and public utilities; and natural resources, such as gas, sulphur and oil; providing for certain exemptions and defining terms used in the Act; taxes on soft drinks; etc., and declaring an emergency."

The bill having heretofore been read second time.

The House having agreed to consider the bill section by section.

Mr. Westfall offered the following amendment to the bill:

Amend House Bill No. 46 by creating a new Section 6, to be known as Section No. 6b, which shall read as follows:

"Section 6b. Each individual, company, corporation, or association engaged in the business of selling automobiles, trucks, buses, or motor vehicles of any kind shall pay into the State Treasury the sum of one-half ($\frac{1}{2}$) of one per cent (1%) of the gross receipts from the first retail sale of such vehicles as mentioned above; provided the provisions of this subsection shall not apply to tractors or other motor vehicles used exclusively in the cultivation of agricultural lands; the payments to be made according to the provisions set out in this Act pertaining to the time and manner of collection of gross receipts."

Mr. Lotief offered the following amendment to the amendment by Mr. Westfall:

Amend Westfall amendment to House Bill No. 46, by changing the figures from "one-half ($\frac{1}{2}$) per cent" to "one (1%) per cent."

Mr. Adamson moved to table the amendment by Mr. Lotief.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—97

Adamson	Fisher
Adkins	Ford
Aikin	Fox
Alexander	Fuchs
Alsup	Gibson
Ash	Greathouse
Atchison	Hankamer
Beck	Hanna
Bergman	Harris of Archer
Bourne	Harris of Dallas
Bradbury	Head
Broyles	Hodges
Burton	Hofheinz
Butler of Karnes	Holland
Cagle	Hoskins
Caldwell	Huddleston
Canon	Hunt
Clayton	Hunter
Collins	Hyder
Colquitt	Jackson
Cowley	Jefferson
Crossley	Jones of Atascosa
Davis	Jones of Falls
Dickison	Jones of Shelby
Dunlap of Hays	Knetsch
Dwyer	Lange

Lanning	Roane
Latham	Roark
Leath	Roberts
Lemens	Rogers
Lucas	Russell
McCalla	Sessions
McConnell	Shofner
McKee	Smith
McKinney	Steward
Moffett	Stinson
Morris	Stovall
Morrison	Tarwater
Newton	Tennyson
Nicholson	Thornton
Olsen	Tillery
Padgett	Venable
Palmer	Waggoner
Petsch	Walker
Quinn	Wells
Reader	Westfall
Reed of Bowie	Wood of Harrison
Roach of Angelina	Young
Roach of Hunt	

Nays—20

Bradford	King
Butler of Brazos	Lindsey
Craddock	Lotief
Davisson	Luker
of Eastland	McFarland
Fain	Patterson
Farmer	Payne
Glass	Rutta
Graves	Settle
Hardin	Youngblood
Herzik	

Absent

Calvert	Jones of Wise
Celaya	Keefe
Colson	Leonard
Cooper	Mauritz
Davison of Fisher	Morse
Dunagan	Reed of Dallas
Duvall	Riddle
Frazer	Scarborough
Good	Spears
Hartzog	Stanfield
Hill	Wood of Montague
Howard	Worley
James	

Absent—Excused

Daniel	Gray
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	

Mr. McKee offered the following amendment to the amendment by Mr. Westfall:

Amend amendment by adding the following:

"Provided that this tax shall be on the factory price only."

Mr. Morrison raised a point of order on further consideration of the amendment by Mr. McKee, on the ground that the amendment violates certain constitutional provisions.

The Speaker overruled the point of order.

Mr. Reed of Bowie moved to table the amendment by Mr. McKee.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—61

Adamson	Hyder
Adkins	James
Alsup	Jones of Shelby
Beck	Lange
Bourne	Lanning
Bradford	Leath
Broyles	Lemens
Butler of Brazos	McCalla
Caldwell	McFarland
Calvert	McKinney
Canon	Morris
Collins	Morrison
Cooper	Newton
Cowley	Nicholson
Crossley	Padgett
Davis	Reed of Bowie
Davison of Fisher	Reed of Dallas
Dwyer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roark
Fox	Roberts
Fuchs	Sessions
Glass	Settle
Good	Shofner
Graves	Smith
Hanna	Tarwater
Harris of Dallas	Tillery
Head	Waggoner
Hodges	Wells
Holland	Wood of Montague
Hunter	

Nays—47

Aikin	Dickison
Alexander	Dunlap of Hays
Ash	Fain
Atchison	Farmer
Bradbury	Gibson
Burton	Harris of Archer
Butler of Karnes	Hartzog
Cagle	Herzik
Clayton	Hofheinz
Colquitt	Howard
Craddock	Huddleston

Hunt	Palmer
Jackson	Payne
Jones of Atascosa	Quinn
Jones of Falls	Reader
Jones of Wise	Russell
Knetsch	Rutta
Lindsey	Tennyson
Lotief	Thornton
Lucas	Venable
Luker	Walker
McConnell	Wood of Harrison
McKee	Young
Moffett	

Present—Not Voting

Mauritz

Absent

Bergman	Leonard
Celaya	Morse
Colson	Olsen
Davisson	Patterson
of Eastland	Petsch
Dunagan	Riddle
Duvall	Roane
Frazer	Rogers
Greathouse	Scarborough
Hankamer	Spears
Hardin	Stanfield
Hill	Steward
Hoskins	Stinson
Jefferson	Stovall
Keefe	Westfall
King	Worley
Latham	Youngblood

Absent—Excused

Daniel	Gray
Dunlap of Kleberg	Moore
England	Pope
Fitzwater	

Mr. Aikin moved to table the amendment by Mr. Westfall.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—83

Adamson	Cagle
Adkins	Canon
Aikin	Celaya
Alsup	Cooper
Ash	Cowley
Atchison	Craddock
Beck	Crossley
Bourne	Davis
Bradbury	Davison of Fisher
Broyles	Dickison
Burton	Dunagan
Butler of Karnes	Dwyer

Fisher	Nicholson
Ford	Padgett
Fox	Palmer
Fuchs	Payne
Gibson	Petsch
Glass	Quinn
Hankamer	Reader
Harris of Archer	Reed of Dallas
Harris of Dallas	Roane
Hodges	Roberts
Hofheinz	Rogers
Holland	Russell
Huddleston	Scarborough
Hunter	Shofner
Hyder	Smith
Jackson	Spears
Jefferson	Stinson
Jones of Falls	Stovall
Jones of Shelby	Tarwater
Lanning	Tennyson
Latham	Thornton
Leath	Venable
Lemens	Waggoner
Lucas	Walker
McCalla	Wells
McConnell	Wood of Harrison
McKee	Worley
McKinney	Young
Morris	Youngblood
Morrison	

Nays—39

Alexander	Herzik
Bergman	Howard
Bradford	Hunt
Butler of Brazos	James
Caldwell	Jones of Atascosa
Calvert	Jones of Wise
Clayton	King
Collins	Knetsch
Colquitt	Lotief
Davisson	Luker
of Eastland	McFarland
Dunlap of Hays	Newton
Fain	Patterson
Farmer	Reed of Bowie
Frazer	Roach of Angelina
Graves	Roach of Hunt
Greathouse	Roark
Hanna	Rutta
Hardin	Westfall
Head	Wood of Montague

Present—Not Voting

Mauritz

Absent

Colson	Keefe
Duvall	Lange
Good	Leonard
Hartzog	Lindsey
Hill	Moffett
Hoskins	Morse

Olsen
Riddle
Sessions
Settle

Stanfield
Steward
Tillery

Absent—Excused

Daniel
Dunlap of Kleberg
England
Fitzwater

Gray
Moore
Pope

Mr. Hardin offered the following amendment to the bill:

Amend House Bill No. 46, page 5, by striking out "Section 7," and inserting in lieu thereof the following

"Yeast and yeast malt: Upon all liquid and/or caked yeast and/or yeast malt sold or produced in this State, whether in diluted or concentrated form, a tax of 25 cents per pound or fraction thereof."

HARDIN,
LEMENS,
HUNTER.

The amendment was adopted.

Mr. Hardin moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Farmer offered the following amendment to the bill:

Amend House Bill No. 46 as follows:

Add after the word "follows" in line 6 on page 7, these words:

"Provided the license tax of this Section a, and the occupation tax of Section b, shall not apply to machines vending farm products."

FARMER,
HARRIS of Archer.

Mr. Frazer moved to table the amendment by Mr. Farmer.

The motion to table was lost.

Question recurring on the amendment by Mr. Farmer, it was adopted.

Mr. Farmer moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Morris offered the following amendment to the bill:

Amend House Bill No. 46, by striking out "Section 8."

Mr. Reed of Dallas moved to table the amendment by Mr. Morris.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—64

Alexander	Jackson
Ash	James
Atchison	Jones of Atascosa
Bradford	King
Butler of Karnes	Leath
Caldwell	Luker
Celaya	McCalla
Clayton	McFarland
Collins	McKee
Colquitt	McKinney
Colson	Morse
Davis	Newton
Davisson	Nicholson
of Eastland	Olsen
Dickison	Patterson
Dunagan	Quinn
Fisher	Reed of Bowie
Fox	Reed of Dallas
Frazer	Riddle
Fuchs	Roach of Hunt
Good	Roane
Gray	Roark
Greathouse	Russell
Hankamer	Settle
Hanna	Shofner
Harris of Archer	Smith
Harris of Dallas	Spears
Hartzog	Stinson
Herzik	Thornton
Hill	Tillery
Hofheinz	Worley
Holland	Young
Hoskins	

Nays—65

Adamson	Farmer
Adkins	Gibson
Aikin	Glass
Alsup	Graves
Beck	Hardin
Bergman	Head
Bourne	Hodges
Bradbury	Huddleston
Broyles	Hunt
Burton	Hunter
Cagle	Jones of Falls
Calvert	Jones of Shelby
Canon	Jones of Wise
Cooper	Keefe
Cowley	Lanning
Craddock	Latham
Crossley	Lemens
Davison of Fisher	Lindsey
Dwyer	Lotief
England	Lucas
Fain	Mauritz

McConnell	Stanfield
Moffett	Stovall
Morris	Tarwater
Morrison	Tennyson
Palmer	Waggoner
Payne	Walker
Roach of Angelina	Wells
Roberts	Westfall
Rogers	Wood of Harrison
Rutta	Wood of Montague
Scarborough	Youngblood

Absent

Butler of Brazos	Lange
Dunlap of Hays	Leonard
Duvall	Padgett
Ford	Petsch
Howard	Reader
Hyder	Steward
Jefferson	Venable
Knetsch	

Absent—Excused

Daniel	Moore
Dunlap of Kleberg	Pope
Fitzwater	

Question then recurring on the amendment by Mr. Morris, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—62

Adkins	Hunter
Aikin	Jones of Falls
Alsup	Jones of Shelby
Beck	Jones of Wise
Bergman	Keefe
Bourne	Lanning
Bradbury	Latham
Broyles	Lemens
Burton	Lucas
Cagle	Mauritz
Calvert	McConnell
Canon	Morris
Cooper	Morrison
Cowley	Olsen
Craddock	Palmer
Crossley	Payne
Davison of Fisher	Roberts
England	Rogers
Fain	Rutta
Farmer	Scarborough
Fuchs	Sessions
Gibson	Stanfield
Glass	Stovall
Graves	Tarwater
Hardin	Tennyson
Head	Venable
Hodges	Waggoner
Huddleston	Walker
Hunt	Wells

Westfall	Wood of Montague
Wood of Harrison	Youngblood

Nays—62

Adamson	Jefferson
Alexander	Jones of Atascosa
Ash	King
Atchison	Leath
Bradford	Lindsey
Butler of Karnes	Lotief
Caldwell	Luker
Celaya	McCalla
Clayton	McFarland
Collins	McKee
Colquitt	McKinney
Colson	Morse
Davis	Newton
Dickison	Nicholson
Dunagan	Patterson
Dwyer	Quinn
Fisher	Reed of Bowie
Fox	Reed of Dallas
Frazer	Riddle
Good	Roach of Angelina
Gray	Roach of Hunt
Greathouse	Roane
Hankamer	Roark
Hanna	Russell
Harris of Archer	Settle
Harris of Dallas	Shofner
Hartzog	Smith
Hill	Spears
Hofheinz	Stinson
Hoskins	Tillery
James	Young

Absent

Butler of Brazos	Knetsch
Davisson	Lange
of Eastland	Leonard
Dunlap of Hays	Moffett
Duvall	Padgett
Ford	Petsch
Herzik	Reader
Holland	Steward
Howard	Thornton
Hyder	Worley
Jackson	

Absent—Excused

Daniel	Moore
Dunlap of Kleberg	Pope
Fitzwater	

Mr. Burton offered the following amendment to the bill:

Amend House Bill No. 46, page 6, Section 8, by striking out the words "gum machines," "candy machines," "handkerchief machines," "sandwich machines," on lines 36 and 37, and by adding at the end of line 6, page 7, the following:

"Provided this section shall not apply to 'gum machines,' 'candy machines,' 'handkerchief machines,' 'sandwich machines' or any machines vending merchandise."

BURTON,
GRAVES.

The amendment was adopted.

Mr. Youngblood offered the following amendment to the bill:

Amend House Bill No. 46, page 6, Section 8, adding as follows:

"Provisions of this Act does in no way permit the operation of coin operated machines not legal previous to passage of this Act.

"The State Comptroller shall refuse to accept occupation tax on coin operated machines not legal previous to passage of this Act."

Question—Shall the amendment by Mr. Youngblood be adopted?

EXTENDING SYMPATHY OF THE HOUSE TO HON. ALBERT K. DANIEL

Mr. Graves offered the following resolution:

Whereas, Our esteemed fellow member, Albert K. Daniel, of Crockett, Houston County, Texas, is very ill and confined in his home; and

Whereas, The Members of the House of Representatives keenly regret the absence of Mr. Daniel, and wish to express their most sincere wishes for a speedy recovery, and trust that he will soon return to his duties as a member; now, therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, That our best wishes be extended to Mr. Daniel with the earnest hope that he be with us soon, and that the Chief Clerk of the House be directed to send flowers, and that a copy of this resolution be forwarded to Mr. Daniel.

The resolution was read second time.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Davis, Davison of Fisher, Davison of Eastland, Dickison, Dunagan,

Dunlap of Kleberg, Dunlap of Hays, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Wise, Jones of Shelby, Jones of Falls, Jones of Atascosa, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Sessions, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Montague, Wood of Harrison, Worley, Young and Youngblood.

On the motion of Mr. Hofheinz, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

RECESS

On motion of Mr. Hankamer, the House at 12:00 o'clock m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Petsch was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Knetsch.

Mr. Leonard was granted leave of absence for today, on account of important business, on motion of Mr. Young.

HOUSE BILL NO. 46 ON PASSAGE
TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 46, relative to levying and imposing certain occupation taxes.

The bill having heretofore been read second time, with amendment by Mr. Youngblood, pending.

Mr. McConnell offered the following amendment to the amendment by Mr. Youngblood:

Amend Youngblood amendment to House Bill No. 46, by striking out all reference to "Comptroller of Public Accounts."

The amendment was adopted.

On motion of Mr. Frazer, the amendment by Mr. Youngblood was tabled.

Mr. Dunlap of Hays offered the following amendment to the bill:

Amend House Bill No. 46, by adding thereto a new and separate section to be known and designated as Section No. 8b, to read as follows:

"Section 8b. A tax of ten (10%) per cent, based on the gross amount of sales of cigars in this State, is hereby imposed on the first sale of all cigars used or otherwise disposed of in cigars used or otherwise disposed of in

"The term 'cigar' as used in this Act shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient where such roll has a wrapper or cover made of tobacco or any other material. Provided the definition herein shall not be construed to include cigarettes.

"The payment and collection of such tax shall be in the same manner as provided for in Chapter 241, Acts, Regular Session, Forty-fourth Legislature, 1935, and the penalties and offense for violation for failure to pay said tax shall be as provided for in said Chapter 241, Acts, Regular Session, Forty-fourth Legislature, 1935."

Mr. Knetsch offered the following amendment to the amendment by Mr. Dunlap of Hays:

Amend Dunlap of Hays amendment by changing words and figures "ten per cent" to "five per cent."

Mr. Reader moved to table the amendment by Mr. Knetsch.

The motion to table was lost.

Question recurring on the amendment by Mr. Knetsch, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—89

Adamson	Latham
Adkins	Leath
Aikin	Lindsey
Alexander	Luker
Atchison	Mauritz
Bourne	McCalla
Bradbury	McConnell
Broyles	McFarland
Burton	McKee
Cagle	McKinney
Caldwell	Morris
Clayton	Morse
Cooper	Newton
Craddock	Nicholson
Crossley	Palmer
Davison of Fisher	Payne
Dunlap of Hays	Quinn
England	Riddle
Fain	Roach of Hunt
Farmer	Roark
Fisher	Roberts
Fox	Rogers
Fuchs	Russell
Gibson	Rutta
Glass	Sessions
Good	Settle
Graves	Shofner
Greathouse	Smith
Hankamer	Spears
Hardin	Steward
Hartzog	Stinson
Head	Stovall
Herzik	Tarwater
Hodges	Tennyson
Hoskins	Thornton
Huddleston	Tillery
Hunt	Waggoner
Hunter	Walker
Jackson	Westfall
Jefferson	Wood of Harrison
Jones of Shelby	Wood of Montague
Keefe	Worley
King	Young
Knetsch	Youngblood
Lanning	

Nays—38

Ash	Collins
Beck	Colquitt
Bergman	Cowley
Bradford	Davisson
Butler of Karnes	of Eastland
Canon	Dickison

Dunagan	Jones of Wise
Duvall	Lotief
Dwyer	Lucas
Ford	Moffett
Frazer	Morrison
Hanna	Patterson
Harris of Dallas	Reader
Hill	Reed of Bowie
Hofheinz	Reed of Dallas
Holland	Roane
Howard	Scarborough
Hyder	Stanfield
James	Venable
Jones of Falls	

Absent

Alsup	Jones of Atascosa
Butler of Brazos	Lange
Calvert	Lemens
Celaya	Olsen
Colson	Padgett
Davis	Roach of Angelina
Harris of Archer	Wells

Absent—Excused

Daniel	Leonard
Dunlap of Kleberg	Moore
Fitzwater	Petsch
Gray	Pope

Mr. Aikin moved to table the amendment by Mr. Dunlap of Hays.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—50

Adamson	Howard
Aikin	Huddleston
Ash	Hunt
Beck	Jackson
Bergman	James
Bradbury	Jefferson
Broyles	Jones of Falls
Butler of Karnes	Latham
Canon	McCalla
Collins	Morris
Colquitt	Morrison
Cowley	Morse
Davisson	Padgett
of Eastland	Reader
Dickison	Reed of Bowie
Dunagan	Reed of Dallas
Duvall	Roach of Hunt
Dwyer	Roane
Good	Russell
Greathouse	Scarborough
Hankamer	Stanfield
Hanna	Stinson
Harris of Dallas	Thornton
Hill	Wells
Hofheinz	Wood of Harrison
Holland	

Nays—79

Adkins	Lanning
Alexander	Leath
Alsup	Lindsey
Atchison	Lucas
Bourne	Luker
Bradford	Mauritz
Burton	McConnell
Cagle	McFarland
Caldwell	McKee
Clayton	McKinney
Cooper	Moffett
Craddock	Newton
Crossley	Nicholson
Davison of Fisher	Palmer
Dunlap of Hays	Patterson
England	Payne
Fain	Quinn
Farmer	Riddle
Fisher	Roark
Ford	Roberts
Fox	Rogers
Frazer	Rutta
Fuchs	Sessions
Gibson	Settle
Glass	Shofner
Graves	Smith
Hardin	Spears
Harris of Archer	Stovall
Hartzog	Tarwater
Head	Tennyson
Herzik	Tillery
Hodges	Venable
Hoskins	Waggoner
Hunter	Walker
Hyder	Westfall
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Young
King	Youngblood
Knetsch	

Present—Not Voting

Lotief

Absent

Butler of Brazos	Lange
Calvert	Lemens
Celaya	Olsen
Colson	Roach of Angelina
Davis	Steward
Jones of Atascosa	

Absent—Excused

Daniel	Leonard
Dunlap of Kleberg	Moore
Fitzwater	Petsch
Gray	Pope

Question recurring on the amendment by Mr. Dunlap of Hays, as amended, it was adopted.

Mr. Dunlap of Hays moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Reed of Dallas offered the following amendment to the bill:

Amend House Bill No. 46, Section 8, by providing that the tax herein shall not apply to one cent (1c) vending machines.

The amendment was adopted.

Mr. Youngblood moved that Section 7, of Rule XIII, of the House Rules, be suspended, at this time, for the purpose of making a motion to reconsider the vote by which the amendment, offered by himself on this afternoon to House Bill No. 46, was tabled.

The motion to suspend the rule was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—60

Adkins	Keefe
Aikin	Lanning
Ash	Leath
Atchison	Lindsey
Beck	Lucas
Bourne	McConnell
Bradbury	Morris
Broyles	Palmer
Burton	Patterson
Cagle	Payne
Caldwell	Quinn
Cooper	Reader
Craddock	Reed of Bowie
Dickison	Roach of Angelina
Dunlap of Hays	Roach of Hunt
England	Roark
Fain	Rogers
Farmer	Rutta
Fisher	Sessions
Good	Shofner
Graves	Smith
Greathouse	Steward
Hardin	Tarwater
Head	Tennvson
Herzik	Venable
Hunter	Walker
Jefferson	Wells
Jones of Falls	Westfall
Jones of Shelby	Wood of Harrison
Jones of Wise	Youngblood

Nays—51

Adamson	Butler of Karnes
Alexander	Clayton
Alsup	Collins
Bergman	Colquitt
Butler of Brazos	Cowley

Crossley	Knetsch
Davisson	Lotief
of Eastland	Mauritz
Dunagan	McCalla
Ford	McFarland
Fox	McKinney
Frazer	Moffett
Fuchs	Morse
Gibson	Newton
Hanna	Nicholson
Harris of Archer	Reed of Dallas
Harris of Dallas	Roane
Hartzog	Scarborough
Hill	Settle
Hodges	Stinson
Holland	Stovall
Hoskins	Thornton
Hunt	Waggoner
Hyder	Wood of Montague
James	Worley
King	Young

Absent

Bradford	Jones of Atascosa
Calvert	Lange
Canon	Latham
Celaya	Lemens
Colson	Luker
Davis	McKee
Davison of Fisher	Morrison
Duvall	Olsen
Dwyer	Padgett
Glass	Riddle
Hankamer	Roberts
Hofheinz	Russell
Howard	Spears
Huddleston	Stanfield
Jackson	Tillery

Absent—Excused

Daniel	Leonard
Dunlap of Kleberg	Moore
Fitzwater	Petsch
Gray	Pope

Mr. Fain offered the following amendment to the bill:

Amend House Bill No. 46, between Sections 8 and 9, add a new section to be known as Section 8c, and to read as follows:

"Section 8c. That Section 2, Chapter 6, Acts of the Third Called Session, Forty-third Legislature be, and the same is hereby, amended so as to hereafter read as follows:

"Section 2. That in addition to the taxes now provided for by law, each and every wholesaler, as defined in this Act, who is now engaged or may be hereafter engaged in his own name, or in the name of others, or in the

name of representatives or agents in this State, in the sale of oleomargarine as herein defined, containing any fat and/or oil ingredient other than milk fat, shall not later than the fifteenth day of each calendar month render sworn statements to the Comptroller of all such oleomargarine sold by such wholesaler in the State of Texas during the preceding calendar month, and pay an excise tax of fifteen cents (15c) a pound on all such oleomargarine so sold as shown by such statement in the manner and within the time hereinafter provided."

FAIN,
DAVISON of Fisher.

Mr. Hankamer moved to table the amendment by Mr. Fain.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—95

Adamson	Good
Adkins	Graves
Aikin	Greathouse
Alexander	Hankamer
Alsup	Hanna
Ash	Harris of Archer
Beck	Harris of Dallas
Bergman	Hartzog
Bourne	Head
Bradbury	Hill
Bradford	Hodges
Broyles	Holland
Burton	Hoskins
Butler of Karnes	Howard
Caldwell	Hunt
Canon	Hyder
Celaya	Jackson
Clayton	James
Collins	Jefferson
Colquitt	Jones of Falls
Colson	Knetsch
Cooper	Latham
Cowley	Lindsey
Craddock	Lotief
Crossley	Lucas
Dickison	Luker
Dunagan	Mauritz
Dunlap of Hays	McFarland
Duvall	McKee
Dwyer	Moffett
England	Morris
Fisher	Newton
Ford	Padgett
Frazer	Palmer
Gibson	Payne
Glass	Reader

Reed of Bowie	Tennyson
Roach of Angelina	Thornton
Roach of Hunt	Tillery
Roane	Waggoner
Roark	Wells
Roberts	Westfall
Rogers	Wood of Harrison
Sessions	Wood of Montague
Settle	Worley
Shofner	Young
Steward	Youngblood
Stovall	

Nays—20

Cagle	Keefe
Davison of Fisher	Lanning
Davisson	McCalla
of Eastland	McConnell
Fain	Patterson
Fuchs	Riddle
Hardin	Rutta
Hofheinz	Scarborough
Huddleston	Tarwater
Hunter	Walker
Jones of Wise	

Present—Not Voting

Herzik

Absent

Atchison	Morrison
Butler of Brazos	Morse
Calvert	Nicholson
Davis	Olsen
Farmer	Quinn
Fox	Reed of Dallas
Jones of Atascosa	Russell
Jones of Shelby	Smith
King	Spears
Lange	Stanfield
Leath	Stinson
Lemens	Venable
McKinney	

Absent—Excused

Daniel	Leonard
Dunlap of Kleberg	Moore
Fitzwater	Petsch
Gray	Pope

Mr. Roark offered the following amendment to the bill:

Amend House Bill No. 46, by adding after the word "gallons," on page 8, line 2, the following:

"Provided, however, on all oil produced within this State from wells having an average daily production of less than twenty (20) and more than ten (10) barrels there is hereby levied an occupation tax of one-fourth ($\frac{1}{4}$) cent per barrel of forty-two (42) standard gallons.

"Provided further, all oil produced within this State from wells having an average daily production of less than ten (10) barrels, shall be exempt from additional taxation as levied in this bill."

Mr. Roach of Hunt raised a point of order on further consideration of the amendment by Mr. Roark, on the ground that the amendment violates certain constitutional provisions.

The Speaker overruled the point of order.

On motion of Mr. Frazer, the amendment by Mr. Roark was tabled.

Mr. Roach of Hunt offered the following amendment to the bill:

Amend House Bill No. 46, by striking out all of lines 39 and 40, on page 7 and line 1 and the word "gallons" in line 2 on page 8, in subsection a of Section 9, and substituting in lieu thereof the following:

"Section 9. (a) There is hereby levied an occupation tax on oil produced within this State of four (4) cents per barrel of forty-two (42) standard gallons. Provided, however, that the occupation tax herein levied on oil shall be four (4%) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1.00) Dollar per barrel of forty-two (42) standard gallons.

"The market value of oil, as that term is herein used, shall be the actual market value thereof, plus any bonus or premium, or other thing of value paid therefor or which such oil does or will reasonably bring if produced in accordance with the laws, rules and regulations of the State of Texas.

"Said Tax herein levied shall be in addition to the present occupation tax on oil produced within this State and not in lieu thereof."

ROACH of Hunt,
REED of Bowie.

Mr. Cooper offered the following amendment to the amendment by Mr. Roach of Hunt:

Amend Roach amendment by striking out the words and figures "four (4) cents" wherever they appear and inserting in lieu thereof the words and figures "one-fourth ($\frac{1}{4}$) of one cent"; and by striking out the words and figures "four (4%) per cent" and inserting in lieu thereof the words and

figures "one-fourth ($\frac{1}{4}$ %) of one per cent."

COOPER,
GIBSON,
LATHAM,
BROYLES.

(Pending consideration of the amendment by Mr. Cooper, Mr. Dunagan occupied the Chair, temporarily.)

(Speaker in the Chair.)

Mr. Frazer moved to table the amendment by Mr. Cooper.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—67

Adamson	Jones of Falls
Adkins	Jones of Shelby
Alexander	Jones of Wise
Alsup	Keefe
Beck	Lotief
Bourne	Lucas
Bradbury	Luker
Burton	Mauritz
Cagle	Moffett
Calvert	Morris
Canon	Morrison
Cowley	Olsen
Craddock	Padgett
Dickison	Palmer
England	Patterson
Fain	Reed of Bowie
Farmer	Roach of Hunt
Fisher	Russell
Ford	Scarborough
Fox	Shofner
Fuchs	Spears
Glass	Stinson
Good	Stovall
Graves	Tarwater
Greathouse	Thornton
Hardin	Tillery
Hartzog	Venable
Head	Waggoner
Hodges	Wells
Hofheinz	Westfall
Hoskins	Wood of Harrison
Huddleston	Young
Hunt	Youngblood
James	

Nays—61

Aikin	Celaya
Ash	Collins
Atchison	Colquitt
Bergman	Colson
Bradford	Davis
Broyles	Davison of Fisher
Butler of Brazos	Davisson
Butler of Karnes	of Eastland
Caldwell	Dunagan

Dunlap of Hays	McConnell
Duvall	McFarland
Dwyer	McKee
Gibson	McKinney
Gray	Morse
Hankamer	Newton
Hanna	Nicholson
Harris of Archer	Quinn
Harris of Dallas	Reed of Dallas
Holland	Riddle
Howard	Roane
Hunter	Roark
Hyder	Roberts
Jackson	Rogers
Jefferson	Sessions
Jones of Atascosa	Settle
King	Stanfield
Knetsch	Steward
Lanning	Tennyson
Latham	Walker
Leath	Wood of Montague
Lindsey	Worley

Absent

Clayton	Lemens
Cooper	McCalla
Crossley	Payne
Frazer	Reader
Herzik	Roach of Angelina
Hill	Rutta
Lange	Smith

Absent—Excused

Daniel	Moore
Dunlap of Kleberg	Petsch
Fitzwater	Pope
Leonard	

Mr. Frazer moved to table the amendment by Mr. Roach of Hunt.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—84

Aikin	Davis
Alexander	Davison of Fisher
Ash	Davisson
Atchison	of Eastland
Bergman	Dunagan
Bradbury	Dunlap of Hays
Bradford	Duvall
Broyles	Dwyer
Butler of Brazos	Frazer
Butler of Karnes	Fuchs
Caldwell	Gibson
Canon	Good
Celaya	Gray
Collins	Hankamer
Colquitt	Hanna
Colson	Harris of Archer
Cooper	Harris of Dallas

Hartzog	Morrison
Head	Morse
Hill	Nicholson
Hodges	Quinn
Holland	Reed of Dallas
Hoskins	Riddle
Howard	Roane
Hunter	Roark
Hyder	Roberts
James	Rogers
Jefferson	Scarborough
Jones of Atascosa	Sessions
King	Settle
Knetsch	Shofner
Lanning	Stanfield
Latham	Steward
Leath	Stinson
Lindsey	Tarwater
Lotief	Tennyson
Mauritz	Thornton
McCalla	Walker
McConnell	Wood of Montague
McFarland	Worley
McKee	Young
McKinney	Youngblood
Moffett	

Nays—47

Adamson	Jones of Falls
Adkins	Jones of Shelby
Alsup	Jones of Wise
Bourne	Keefe
Burton	Lucas
Cagle	Luker
Calvert	Morris
Cowley	Newton
Craddock	Olsen
Crossley	Padgett
Dickison	Palmer
England	Patterson
Fain	Reed of Bowie
Farmer	Roach of Hunt
Fisher	Russell
Ford	Spears
Fox	Stovall
Glass	Tillery
Graves	Venable
Greathouse	Waggoner
Hardin	Wells
Hofheinz	Westfall
Huddleston	Wood of Harrison
Hunt	

Absent

Beck	Payne
Clayton	Reader
Herzik	Roach of Angelina
Jackson	Rutta
Lange	Smith
Lemens	

Absent—Excused

Daniel	Fitzwater
Dunlap of Kleberg	Leonard

Moore
Petsch

Pope

Question—Shall House Bill No. 46 pass to engrossment?

TO GRANT OSCAR FLOWERS PERMISSION TO SUE THE STATE

Mr. Broyles offered the following resolution:

H. C. R. No. 6, To grant Oscar Flowers permission to sue the State.

Whereas, Oscar Flowers in the community of Roddy, Van Zandt County, Texas, claims that workmen who were at work on Highway No. 198, one-fourth ($\frac{1}{4}$) mile East of Roddy, Van Zandt County, Texas, cut brush and grass turfs and threw same on and over his pasture fence; and

Whereas, This action by the Highway Department caused considerable damage to said pasture fence—an estimated damage of Fifty (\$50.00) Dollars; and

Whereas, During the time that this fence was down and before said Oscar Flowers knew of same, one of his three (3) year old horses left said pasture and was run down and killed on Highway No. 198. This horse was in fine condition, weighed about one thousand (1,000) lbs., and should be valued at One Hundred Fifty (\$150.00) Dollars; and

Whereas, Said Oscar Flowers claims that he was put to further damages for reason of being deprived of the use of said horse; and

Whereas, Oscar Flowers claims that he has not been compensated in whole or in part for any of said damages; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Oscar Flowers be, and is hereby, granted permission to bring suit against the State of Texas in any court of competent jurisdiction in order to determine what damage, if any, he suffered, and what compensation, if any, he may be entitled to, and that, in case such suit be filed, service of citation or other necessary process, therein, shall be had upon the State of Texas and the Attorney General of the State of Texas, and that such service shall have the force and effect as service in civil cases in the manner prescribed by law.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

RECESS

On motion of Mr. Colquitt, the House at 6:00 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORT

The Committee on Counties filed a favorable report on House Bill No. 66.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 25, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 5, A bill to be entitled "An Act amending, and re-enacting subsection 5 of Section 1, Chapter 10, Acts of First Called Session of the Forty-third Legislature relative to the taxes levied on the pari-mutuel wagering system; empowering the county commissioners' court to apply funds received under this Act to certain purposes; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

FIFTH DAY

(Continued)

(Wednesday, October 30, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

GRANTING OSCAR FLOWERS PERMISSION TO SUE THE STATE

The Speaker laid before the House for consideration at this time, House Concurrent Resolution No. 6, by Mr. Broyles, granting Oscar Flowers permission to sue the State.